



# **Rio Arriba County Detention Center (RACDC) POLICY 0101 ADULT SEXUAL HARRASSMENT**

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## **I. REFERENCES:**

American Correctional Association Standards for Adult Local Detention Facilities, Fourth Edition. Standards: 4-ALDF-4D-22, 4-ALDF-4D-22-1, 4-ALDF-4D-22-2, 4ALDF-4D-22-3, 4ALDF-4D-22-4, 4-ALDF-4D-22-5, 4ALDF-4D-22-6, 4-ALDF-4D-22-7 and 4-ALDF-4D-22-8. NM Adult Detention Professional Standards ADM-9, ADM-13, ADM-15, ADM-16, ADM-17, ADM-18, SC-23, SC-58, SC-59, SC-60, SC-61, SC-62, SC-63, SC-64, SC-65, SC-66, SC-67, and MM-33. Prison Rape Elimination Act of 2003, National PREA Standards 28 C. F. R. part 115, NCCHC Standards and NMSA 1978 § 30-9-11.E(2).

## **II. PURPOSE:**

The purpose of this policy is to provide guidelines and procedures to protect inmates and staff from sexual abuse, misconduct and harassment.

## **III. POLICY STATEMENT:**

Rio Arriba County Detention Center has zero tolerance for sexual misconduct involving inmates. It is the policy of Rio Arriba County Detention to provide a safe, humane, and secure environment, free from sexual abuse, misconduct, harassment, or retaliation, by establishing definitions of prohibited conduct and maintaining a program of prevention, detection, investigation, response and tracking of all alleged and substantiated sexual misconduct.

Sexual misconduct between staff and inmates, volunteers or contract personnel and inmates, and inmates and inmates, regardless of consensual status is prohibited and subject to administrative discipline and/or criminal sanctions.

## **IV. DEFINITIONS:**

- A. **Aggressor**: Any person committing sexual misconduct against another. The aggressor may be the same or different gender as the victim.
- B. **Gender Nonconforming**: A person whose appearance or manner does not conform to traditional societal gender expectations.
- C. **Intersex**: A person who's sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.



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- D. **Investigator(s)**: Individual(s) designated by the Detention Administrator to conduct documented internal investigations into alleged sexual misconduct.
- E. **Inmate**: An individual who is in the custody of the Rio Arriba County detention facility.
- F. **Non-Employee**: Any volunteer, contractor, therapist, parole/probation officer, officer of the court or other non-employee individual who interacts with inmates who are in the custody of the detention facility.
- G. **PREA Coordinator**: Individual designated by the Detention Administrator who is responsible for developing, implementing and overseeing facility compliance with PREA standards and coordinating the facility's response to allegations of sexual misconduct.
- H. **Questioning**: A person who is unsure of their gender, sexual identity, sexual orientation or all three.
- I. **Retaliation**: Any act of vengeance, covert or overt action or threat of action taken against an individual in response to their claim of sexual misconduct, sexual contact or sexual abuse or cooperation in the reporting or investigation of sexual misconduct, regardless of the disposition of the complaint.

Examples of retaliation include:

- 1. Unnecessary discipline.
  - 2. Verbal or physical intimidation or threats.
  - 3. Unnecessary changes in housing classification.
  - 4. Unnecessary changes in work or program assignments.
  - 5. Unjustified denials of privileges or services.
  - 6. Any action to compromise the victim or witness's safety, including refusal or failure to protect.
- J. **Sexual Abuse**: Any of the following acts by staff, contractors, or volunteers, with or without consent of the inmate:
- a. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
  - b. Contact between the mouth and the penis, vulva, or anus;
  - c. Contact between the mouth and any body part;



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- d. Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties;
  - e. Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties;
  - f. Any display of uncovered genitalia, buttocks, or breasts in the presence of an inmate;
  - g. Voyeurism, which is an invasion of an inmate's privacy by staff for reasons that do not involve the performance of official duties, such as peering at an inmate who is using a toilet or changing in his or her room, except when staff are required to maintain constant visual supervision of an inmate pursuant to facility policy; and
  - h. Any attempt or threat to engage in the activities described above.
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- 1. Any of the following acts by inmates, if an inmate does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:
  - 2. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
  - 3. Contact between the mouth and the penis, vulva, or anus;
  - 4. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
  - 5. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person excluding contact incidental to non-sexual horseplay or a physical altercation such as a kick in the groin or touching someone's breasts while pushing the person away.



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### **K. Sexual Harassment:**

1. Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate directed toward another; and
2. Repeated verbal comments or gestures of a sexual nature to an inmate by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

### **L. Sexual Misconduct: Sexual Abuse or Sexual Harassment.**

Examples of sexual misconduct include:

1. Requests for sexual favors, sexual acts or sexual contact.
2. Influencing, promising or threatening an inmate's safety, custody or security level, including recommendations for court actions, privacy, housing, privileges, work detail or program status in exchanges for sexual favors.
3. Promise of protection in exchange for sexual favors.
4. Statements, comments or innuendo made directly or indirectly concerning the sexual orientation or perceived sexual orientation of any person.
5. Staff having intimate or close relationships with an inmate defined as any relationship beyond the boundaries of a professional relationship.
6. Staff engaging in intimate conversation or correspondence with an inmate.
7. Staff exchanging personal information with inmates such as letters, pictures, phone numbers, home addresses, social media and email addresses.
8. Viewing an unclothed inmate or watching an inmate perform bodily functions for reasons unrelated to official duties.
9. Any verbal, non-verbal or physical conduct which is sexual in nature or sexually suggestive.



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10. Creating an intimidating, hostile or offensive environment by engaging in or permitting sexually offensive behavior or language that is directed at or observable by inmate's or others.

11. Kissing, hugging fondling or other touching of an individual's breast, genital, anal or other intimate area either directly or through clothing for sexual arousal, gratification, abuse or assault of either party.

12. Rape, sexual assault, sexual intercourse, oral sex, anal sex, vaginal sex.

13. Sex or penetration with any object or body part.

M. **Transgender**: A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth.

N. **Victim**: Any person who has been the target of sexual misconduct.

O. **Victim Support Person**: A qualified community based individual or rape crisis organization designated by the Detention Center Administrator who has been specially trained to support a victim during investigation of alleged sexual abuse and who is available to accompany and support the victim through forensic medical examinations and investigatory interviews and who shall provide emotional support, crisis intervention, information and referrals.

### V. **PROCEDURAL GUIDELINES**

#### A. **Training**:

1. **Training for Employees**. All facility employees, including medical and mental health staff who are employees of the facility, shall receive instruction related to this policy and the following critical subjects:
  - a) The facility's zero tolerance policy for sexual misconduct.
  - b) How employees should fulfill their responsibilities under agency sexual misconduct prevention, detection, reporting, and response policies and procedures.
  - c) Inmates' right to be free from sexual misconduct.
  - d) The right of inmates and employees to be free from retaliation for reporting sexual misconduct.



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- e) The dynamics of sexual misconduct in confinement.
- f) The common reactions of sexual misconduct victims.
- g) How to detect and respond to signs of threatened and actual sexual misconduct.
- h) How to avoid inappropriate relationships with inmates.
- i) How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, questioning, intersex, or gender nonconforming inmates.
- j) How to comply with relevant laws related to mandatory reporting of sexual misconduct to outside authorities.

All employees will receive this training as part of their pre-service or initial orientation to the Detention Center. Current employees will receive this training within one year of implementation of this policy. All employees shall receive refresher training on these subjects every year as part of their annual in-service training.

All employees who may be called upon to conduct searches of individuals in the facility shall also receive training in how to conduct cross-gender pat-down searches and searches of transgender and intersex inmates in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

2. Specialized Training for PREA Coordinator, Investigator and Victim Support Personnel. Specialized training is provided for employees who respond to incidents of sexual misconduct. This training includes facility policy, crime scene management, elimination of contamination, evidence collection protocol for confinement settings, techniques for interviewing sexual abuse victims, proper use of *Miranda* and *Garrity* warnings, and crisis intervention.
3. Training for Volunteers, Contractors and other Non-Employee Personnel with Inmate Contact. Non-employees who have inmate contact, including contracted medical and mental health staff, shall receive instruction regarding facility policy, prohibited conduct, prevention, detection, response, and reporting of sexual misconduct prior to assuming responsibilities that include inmate contact. Training for non-employees



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may be tailored to reflect the extent of time they are in the facility and their access to inmates.

4. Specialized Training for Medical and Mental Healthcare Personnel. All medical and mental healthcare practitioners who work regularly in the facility, regardless of their status as employees of the facility or contractors shall be trained in:
  - a) How to detect and assess signs of sexual misconduct.
  - b) How to preserve physical evidence of sexual abuse.
  - c) How to respond effectively and professionally to victims of sexual misconduct.
  - d) How and to whom to report allegations or suspicions of sexual misconduct.
5. Lesson Plans and Materials. All lesson plans or materials utilized for training on sexual assault and abuse shall be approved by the Health Services Director and Detention Center Administrator.
6. Documentation. The facility maintains documentation that employees and non-employees received and understood the training required by this policy.

**B. Inmate Orientation and Education:**

1. All individuals booked into the facility shall receive verbal and written information about the county's zero tolerance policy regarding sexual misconduct and how to report it during their orientation. This information shall address:
  - a) The Detention Center's zero tolerance for sexual misconduct.
  - b) What constitutes sexual misconduct
  - c) The Detention Center's program for prevention of sexual misconduct



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- d) Methods of self-protection
  - e) How to report sexual misconduct and retaliation
  - f) Protection from retaliation
  - g) Treatment and counseling
- 2. Information regarding these topics will be approved by the Detention Center Administrator and included in the Facility Handbook and orientation materials.
  - 1. Appropriate provisions shall be made as necessary for inmates not fluent in English and inmates with disabilities, (including, for example, inmates who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities) so that all inmates have an equal opportunity to participate in or benefit from all aspects of the facility's efforts to prevent, detect, and respond to sexual abuse and harassment. The facility shall not rely on inmates to interpret, read or assist except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first response duties, or the investigation of the inmate's allegations. The facility will maintain documentation that inmates received the information described in this section in their custody files.

## **C. Screening/Assessing Inmates at Intake:**

- 1. All individuals booked into the facility are screened for potential vulnerabilities or tendency to act out with sexually aggressive behavior within 24 hours of arrival at the facility.
- 2. Inmates identified as potential or confirmed victims of sexual assault or as having a tendency to act out with sexually aggressive behavior shall be considered for protective custody placement or placement in a special custody unit or other appropriate setting.



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**D. Additional Screening/Assessing:**

1. Inmates identified as high risk with a history of sexually assaultive behavior or who have been identified as at risk for sexual victimization will be referred to medical by the intake officer and assessed by a [*mental health or other qualified health professional*] within 14 days. Such inmates will also be monitored by [*mental health services*] and counseled.
2. If at any time an inmate is identified as a potential sexual predator or as a victim/potential victim, the inmate shall be re-evaluated for appropriate housing, available programs, monitoring and counseling within 14 days.

**E. Referrals for Special Housing Placement:**

1. Any employee may make a referral for reclassification based on their observation of the inmate's behavior or at the inmate's request, based on concerns that an inmate may be at significant risk of sexual victimization by contacting the shift supervisor.
2. This referral shall be documented on inmate classification form.

**F. Sexual Misconduct Between Inmates and Non-Inmates:**

1. Rio Arriba County Detention Center has zero tolerance for sexual misconduct between inmates and staff or other non-inmates. Sexual misconduct perpetrated by non-inmates is contrary to the policies of this facility and professional ethical principles that all employees are bound to uphold. Any such conduct is cause for disciplinary action up to and including termination of employment, contractual relationship or services.
2. There is no consensual sex in a custodial or supervisory relationship as a matter of law. A sexual act with an inmate by a person in a position of authority over the inmate is a felony subject to criminal prosecution. NMSA 1978 § 30-9-11.E(2).
3. Retaliation against inmates who refuse to submit to sexual activity, or retaliation against individuals (including witnesses) because of their involvement in the reporting or investigation of sexual misconduct is also prohibited and possible grounds for disciplinary action, including



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termination of employment or contractual relationship or services and criminal prosecution.

4. Failure of employees and non-inmates to report incidents of sexual misconduct or retaliation is cause for disciplinary action, including termination of employment or termination of contractual relationship or services.
5. Cases involving sexual misconduct may be referred to the District Attorney for prosecution.
6. Inmates who knowingly make false allegations of sexual misconduct are subject to discipline.

### **G. Sexual Misconduct By Inmates:**

1. Sexual misconduct by inmates is prohibited by this policy regardless of whether it is alleged to be consensual.
2. Inmate perpetrators of sexual misconduct are subject to discipline.
3. Inmates who report sexual misconduct are protected from retaliation.
4. Inmates who engage in retaliation are subject to discipline.
5. Inmates who knowingly make false allegations of sexual misconduct are subject to discipline.

### **H. Supervision and Monitoring**

Supervisors, Case Manager, Assistant Detention Administrator shall conduct and document unannounced rounds on all shifts to identify and deter staff sexual misconduct. Staff is prohibited from alerting other staff members that such supervisory rounds are occurring unless such announcement is related to the legitimate operational functions of the facility.



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## **I. Reporting and Investigation:**

All staff, contractors and volunteers have an affirmative duty to immediately report to the shift supervisor any knowledge, suspicion, or information regarding sexual misconduct involving an inmate and/or any retaliation or other violation of this policy.

### **1. First Responder Instructions—All Alleged Sexual Misconduct.**

- a) An inmate may report sexual misconduct or threats of sexual misconduct to any staff member or non-inmate. Any staff member or non-inmate who receives a report of sexual misconduct, whether verbally or in writing, shall immediately notify the shift supervisor and complete an incident report. The shift supervisor shall immediately notify the Detention Administrator and PREA Coordinator and shall ensure that the alleged victim and aggressor are physically separated, either through the placement of one or both in specialized housing or some other effective means.
- b) The PREA Coordinator shall direct the facility's response to all allegations of sexual misconduct, including prompt assignment of a Victim Support Person, Investigator, and/or referral to medical/mental health services when warranted.
- c) In every case where the alleged aggressor is an employee, there will be no contact between the alleged aggressor and the alleged victim without the approval of the Detention Center Administrator.
- d) Allegations of sexual misconduct shall be treated with discretion and, to the extent permitted by law, confidentiality. Individuals who fail to keep allegations of sexual misconduct confidential are subject to discipline.



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2. First Responder Instructions--Allegations Involving Sexual Abuse.
  - a. If the alleged abuse occurred within five days advise the alleged victim not to take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.
  - b. Secure the scene and preserve evidence of the alleged assault if feasible and secure any video footage.
  - c. Notify the PREA Coordinator who will assume responsibility for handling the sexual misconduct allegations and who will, in consultation with the Detention Administrator decide whether to notify law enforcement. Cases involving alleged sexual abuse will be reported to law enforcement.
3. If the alleged sexual abuse occurred within the previous 72 hours arrangements shall be promptly made to have the alleged victim transported and examined at a local hospital. If the alleged assault occurred more than 72 hours before being reported, the PREA Coordinator has discretion to determine whether to send the alleged victim to the hospital for examination by a Sexual Assault Nurse Examiner (SANE) or other qualified medical practitioner.
4. Access to Emergency Medical and Mental Health Services.
  - a. Alleged victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment.
  - b. If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, the PREA Coordinator shall take preliminary steps to protect the victim and shall immediately notify the appropriate medical and mental health practitioners.
  - c. Alleged victims of sexual abuse shall be offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, where medically appropriate.



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- d. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

### Ongoing Medical and Mental Health Care for Sexual Abuse Victims and Abusers.

The facility offers medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual acts. When necessary and feasible, the evaluation and treatment of such victims shall include follow-up services, treatment plans, and referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody.

Alleged inmate victims of vaginal penetration while incarcerated shall be offered pregnancy tests. If pregnancy results from the conduct described in paragraph (c) of this section, such victims shall receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services.

- b) Alleged inmate victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections as medically appropriate.
- c) Treatment services are provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.
- d) The facility shall attempt to conduct a mental health evaluation of all known inmate-on-inmate abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners.

### 5. Reporting to Other Confinement Facilities.

- a) Upon receiving an allegation that an inmate was sexually abused while confined at another facility, the detention administrator shall notify the administrator of the facility where the alleged abuse occurred.



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- b) Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation.
- c) The facility shall document that it has provided such notification.

6. Investigations.

All reports of sexual misconduct must be considered credible and promptly investigated criminally and/or administratively without regard to whether:

- A. The inmates who are named in the allegation are in custody or not.
- B. Staff members named in the allegation are currently employed or not.
- C. The report of the allegation was made in a timely manner or not.
- D. The inmate reporting the allegation is known to have made past false allegations.
- E. The source of the allegation recants the allegations.
- F. The employee receiving the complaint believes or does not believe the allegations.

The Investigator is responsible for conducting and fully documenting the investigation. The investigator shall:

- A. Gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; shall interview alleged victims, suspected perpetrators, and witnesses; and shall review prior complaints and reports of sexual abuse involving the suspected perpetrator.
- B. Assess the credibility of an alleged victim, suspect, or witness on an individual basis and not on the basis of a person's status as an inmate or staff.
- C. Impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.



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- D. Not require an inmate who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of an allegation.
- E. Investigate whether staff actions or failures to act contributed to the abuse.
- F. Document investigations in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.
- G. Refer substantiated allegations of conduct that appear to be criminal for prosecution.
- H. Conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle to criminal prosecution when the quality of evidence appears to support criminal prosecution
- I. Retain all written reports of investigations into alleged sexual abuse for as long as the alleged abuser is incarcerated or employed by the agency, plus five years.
- J. Cooperate with outside investigations. Victim Support Person. When the victim alleges that sexual abuse occurred, a designated victim support person shall be notified immediately. This person will consult with the investigator on the case and offer assistance to the alleged victim as is appropriate based on the individual's training. The victim support person may sit in on administrative interviews of the victim but may not in any manner obstruct or interfere with the course of the investigation.



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## **7. Reporting to Inmates.**

Inmates who are currently in the custody of the facility are entitled to know the outcome of investigation into their allegation as follows:

- a) Following an investigation into an inmate's allegation of sexual abuse in the facility, the PREA Coordinator shall inform the inmate whether the allegation was determined to be substantiated, unsubstantiated, or unfounded.
- b) If the inmate's allegation involved a staff member, the PREA Coordinator shall inform the inmate whenever:
  1. The staff member is no longer posted within the inmate's unit;
  2. The staff member is no longer employed at the facility;
  3. The staff member has been indicted on a charge related to sexual abuse within the facility; or
  4. The staff member has been convicted on a charge related to sexual abuse within the facility.
- c) If the allegation involved another inmate, the PREA Coordinator shall inform the alleged victim when:
  1. The alleged abuser has been indicted on a charge related to sexual abuse within the facility; or
  2. The alleged abuser has been convicted on a charge related to sexual abuse within the facility.



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- d. All such notifications or attempted notifications shall be documented.
- e. The facility's obligation to report under this standard terminates if the inmate is released from custody.

## **I. Debriefing and Incident Review.**

1. Debriefing. The Detention Administrator shall conduct a debriefing of all incidents of sexual misconduct in order to assess the environmental factors, relevant issues or problem areas that could have contributed to the incident and shall implement identified improvements to increase inmate safety.
2. Incident Review. For incidents involving allegations of sexual abuse, the detention administrator shall conduct an incident review within 30 days of the conclusion of the investigation. The review team shall include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners. The review team shall:
  - a. consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
  - b. consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility;
  - c. examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
  - d. assess the adequacy of staffing levels in that area during different shifts;
  - e. assess whether monitoring technology should be deployed or augmented to supplement supervision by staff;



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- f. the review team shall prepare a report of its findings that includes determinations made and any recommendations for improvement and submit the report to the Detention Administrator and PREA Coordinator who is authorized to implement the recommendations for improvement, or shall document reasons for not doing so.
- K. **Prosecutions.** All terminations and resignations due to alleged violations of this policy shall be reported to law enforcement and to any relevant licensing bodies. The Detention Center Administrator or designee shall work with the local District Attorney's Office to facilitate prosecution of acts in violation of criminal law.
- L. **Discipline/Corrective Action.** The Detention Administrator will take any action necessary to enforce this policy. Violation of this policy is cause for discipline up to and including termination. Termination is the presumptive sanction for sexual abuse. All terminations or resignations by staff who would have been terminated if not for their resignation shall be reported to law enforcement and any relevant licensing bodies responsible for licenses that are required for the employee's position.
- M. **Termination of Contractors and Volunteers:** Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with inmates under the agency's supervision and shall be reported to law enforcement and to relevant licensing bodies. The facility shall take appropriate remedial measures in response to other violations of this policy including termination of contracts and clearances.
- N. **Employee/Applicant Background Checks and References.** The County contacts all prior correctional or detention employers to determine whether the prospective employee has any past history of substantiated allegations of sexual abuse or resignation during a pending investigation into allegations of sexual abuse. The Detention Center considers any incidents of sexual misconduct in determining whether to hire or promote anyone or to enlist the services of any contractor who may have contact with inmates. The County provides information on substantiated allegations of sexual misconduct involving former employees when requested by other detention facilities for which such employee has applied to work.
- O. **Tracking.** The PREA Coordinator shall maintain a tracking system that records all allegations of sexual misconduct and their disposition. The PREA Coordinator shall maintain, review, and collect data as needed from all



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available incident-based documents, documents including reports, investigation files and sexual abuse incident reviews. The incident-based data collected shall be aggregated at least annually and shall include, at a minimum, the data the necessary to answer all questions from the most recent survey of the Survey of Sexual Violence conducted by the Department of Justice.

**P. Classification Notification.** The Classification Supervisor/designee shall be notified when an inmate has been identified as a potential and/or confirmed victim or aggressor and ensure this information is entered into the appropriate inmate file.

**Q. Exhaustion of Administrative Remedies.** Although regular statute of limitations defenses apply to claims, the agency does not impose a time limit on when an inmate may submit a grievance regarding an allegation of sexual abuse. Inmates are not required to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual misconduct.

1. An inmate who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint; and
2. Such grievance shall not be referred to a staff member who is the subject of the complaint.

**R. Reporting to an Entity Outside of the Facility:**

In addition to filing a grievance or otherwise reporting internally as provided by this policy, inmates may report allegations of sexual misconduct to an outside entity not affiliated with the detention facility. The outside entity forwards reports of sexual misconduct to the Detention Administrator and allows the inmate to remain anonymous upon request.

**S. Third Party Reporting:**

Third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates are permitted to assist inmates in filing grievances related to allegations of sexual abuse and are also permitted to file such requests on behalf of inmates. Staff shall accept reports made from third parties and shall promptly document any verbal reports.